

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

LOVOTNY CEDRIC SHANNON,

Plaintiff,

v.

Case No. 08-10219-BC  
Honorable Thomas L. Ludington

STATE OF MICHIGAN and  
MICHIGAN PAROLE BOARD,

Defendants.

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**ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION**

On February 26, 2008, the Court dismissed Plaintiff Lovotny Cedric Shannon's complaint in which he requested declaratory judgment regarding the circumstances surrounding the state parole board's denial of his parole. In that order, the Court addressed the fact that Plaintiff has no clear right to release on parole under state or federal law and declined to exercise its discretion to issue a declaratory judgment.

On March 3, 2008, Plaintiff filed a motion for reconsideration. He relies on *Morrissey v. Brewer*, 408 U.S. 471 (1972) and Mich. Comp. Laws § 791.233e to assert that the Court erred.

Under E.D. Mich. LR 7.1(g), a party must show that the existence of a palpable defect by which the Court has been misled and that correcting that defect would result in a different disposition. Here, Plaintiff raises issues previously ruled upon by the Court, by reasonable implication. Further, *Morrissey* generally stands for the proposition that a parole board, because of the liberty interest implicated by its decisions, must accord a prisoner due process in reaching a parole determination. Nothing in Plaintiff's complaint or other filings suggests that he did not

receive the “informal process” proscribed by the Court in *Morrissey*. His objections to the parole board’s conclusions and information on which it reached its decision do not show a deficiency of process. Finally, Plaintiff’s arguments do not address the discretion permitted to the Court in exercising jurisdiction in actions seeking declaratory judgment. Accordingly, Plaintiff has not sustained his burden on a motion for reconsideration.

Accordingly, it is **ORDERED** that Plaintiff’s motion for reconsideration [dkt #7] is **DENIED**.

It is further **ORDERED** that an appeal from this order would be frivolous and could not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); *Coppedge v. United States*, 369 U.S. 438, 445 (1962). Therefore, Plaintiff may not pursue an appeal from this order *in forma pauperis*. 28 U.S.C. § 1915(a)(3).

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: March 14, 2008

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 14, 2008.

s/Tracy A. Jacobs  
TRACY A. JACOBS